*394

BILL NO. G-89- 86-19

GENERAL ORDINANCE NO. G- 19-89

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a dedicated utility easement.

WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-4-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of Fort Wayne, more specifically described as follows, to-wit:

The first North/South easement West of Van Buren Street, between Main Street and the first East/West easement South of Main Street, in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #1 in Williams and Murphy's Addition to the City of Fort Wayne, Indiana; thence Southeasterly, on and along the West line of Lot #1, 2, 3, 4 and 5 in said Addition, a distance of 150.03 feet to the Southwest corner of said Lot #5; thence Southwesterly, on and along the Westerly projection of the South line of said Lot #5, a distance of 10.0 feet to the Southeast corner of Lot #39 in Rockhills First Amended Addition to the City of Fort Wayne, Indiana; thence Northwesterly, on and along the East line of said Lot #39, a distance of 150.03 feet to the Northeast corner of said Lot #39, being a point on the South right-of-way line of Main Street; thence

4 5

7 8

A DAY

Northeasterly, on and along said South right-of-way line, a distance of 10.0 feet to the point of beginning.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

COUNCILMEMBER

APPROVED	AS	TO	FORM	AND	LEGALITY:	
Truis	eth	N	1 Car	le		
J. TIMOTH	IY	ICC2	ULAY	, CIT	Y ATTORNEY	

** Public hearing to be held on ______,
the ______, 1989,

in the Council Chambers.

Sandra E. Kennedy, City Clerk

			(a. 5)	•	
seconded by_ title and ref City Plan Com	erred to mission f	the Commit or recomme he Council	tee on Rondation) and Pu	ted, read the	to be held after ounty Building, , day
DA	TE: 6	3-89	SAN	DRA E. KENNED	Y, CITY CLERK
Re seconded by passage. PAS	124	enry	n full and on m , and duly e following vot	adopted, place	rad bury ced on its
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DA'	re: 8-	1-89	SANI	Jandra /	6. Lennedy
Pas	ssed and a	dopted by	the Common Cour		
			(APPROPRIAT)		
(SPECIAL) (ZONING MAE	ORDIN	NANCE RESOLUT	PION NO.	7-19-89
on the/	of da	y of. C	august		, 19 89
	ATT	EST:	SE	EAL	
Sandra	J 6. X	ennedy	1	larles	- B. Red
SANDRA E. KENN	NEDY, CITY	CLERK	PRES	SIDING OFFICER	
			Mayor of the C		ayne, Indiana,
on the	3 nd	_day of	august)	, 1949
at the hour of	Ē	11:00	o'clock F	.M.,E.S.T	. , ,
,				Tandra F.	
		*		RA E. KENNEDY	,
- 4			me this 4th		(1
19 07, at th	ne hour of	2:3	o'clock	.M.,E.S.	T.
				Ymn	
			DATIT	HELMKE MAYO	

PRESCRIBED BY STATE BOARD OF ACCOUNTS RECEIPT	a.e. moves in., muncis, inc. General form Ho. 252
CK #3805	Nº 7219
COMMUNITY DEVELOPMENT & PLANNING	
FT. WAYNE, IND., May 1st 1989	
RECEIVED FROM ARCHONIC'S	\$ 100 2
THE SUM OF One Mind and No/100's	Dollars
ON ACCOUNT OF MC Patillos - N'S Susmant	hof Van Boun

AUTHORIZED SIGNATURE

PAID BY: CASH CHECK M.O. C

PETITION TO VACATE EASEMENT

THE CITY PLAN COMMISSION CITY OF FORT WAYNE, INDIANA

The undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following easement with the City of Fort Wayne, Indiana, and hereby described as

The first North-South easement West of Van Buren Street, between Main Street and the first East-West easement South of Main Street, in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the Northwest corner of Lot #1 in Williams and Murphy's Addition to the City of Fort Wayne, Indiana; thence Southeasterly, on and along the West line of Lot #1, 2, 3, 4 and 5 in said Addition, a distance of 150.03 feet to the Southwest corner of said Lot #5; thence Southwesterly, on and along the Westerly projection of the South line of said Lot #5, a distance of 10.0 feet to the Southeast corner of Lot #39 in Rockhills First Amended Addition to the City of Fort Wayne, Indiana; thence Northwesterly, on and along the East line of said Lot #39, a distance of 150.03 feet to the Northeast corner of said Lot #39, being a point on the South right-of-way line of Main Street; thence Northeasterly, on and along said South right-of-way line, a distance of 10.0 feet to the point of beginning.

In support thereof, your petitioners would represent as follows:

- That we are the only owners of the real estate bordering on both sides of the easement.
- That the easement is not necessary for utility purposes. 2.
- That no other person, firm, or corporation is interested in 3. or affected by the requested easement.
- That the maintenance of said easement is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioners file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, we pray that the above described easement be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED	THIS	1ST day of MAY	, 1989
Ja	mo	a. Witner	

St. Joseph Medical Center

700 Broadway Fort Wayne, IN 46802

Agent's Name & Address Carl L. Bradley, Archonics 701 South Clinton Street Fort Wayne, IN 46802 219/423-9521

RESOLUTION 78-81-2

WHEREAS, ST. JOSEPH MEDICAL CENTER has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

The first North/South easement West of Van Buren Street, between Main Street and the first East/West easement South of Main Street, in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #1 in Williams and Murphy's Addition to the City of Fort Wayne, Indiana; thence Southeasterly, on and along the West line of Lot #1, 2, 3, 4 and 5 in said Addition, a distance of 150.03 feet to the Southwest corner of said Lot #5; thence Southwesterly, on and along the Westerly projection of the South line of said Lot #5, a distance of 10.0 feet to the Southeast corner of Lot #39 in Rockhills First Amended Addition to the City of Fort Wayne, Indiana; thence Northwesterly, on and along the East line of said Lot #39, a distance of 150.03 feet to the Northeast corner of said Lot #39, being a point on the South right-of-way line of Main Street; thence Northeasterly, on and along said South right-of-way line, a distance of 10.0 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)) SS: COUNTY OF ALLEN)

I, Nortes E. Lauft , Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held and

and as same appears of record in the official records of the Board of Public Works.

DATED THIS 28 DAY OF June 1989	
FORT WAYNE BOARD OF PUBLIC WORKS	
108 Sahr	
Charles E. Layton	•
Director of Public Works	
Inwheel In Old	
Michael McAlexander	۰
Director of Public Safety	
Douglas M. Lehman	
Director of Administration & Finance	

RESOLUTION

WHEREAS, ST. JOSEPH MEDICAL CENTER has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement in Fort Wayne, Allen County, to-wit:

The first North/South easement West of Van Buren Street, between Main Street and the first East/West easement South of Main Street, in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #1 in Williams and Murphy's Addition to the City of Fort Wayne, Indiana; thence Southeasterly, on and along the West line of Lot #1, 2, 3, 4 and 5 in said Addition, a distance of 150.03 feet to the Southwest corner of said Lot #5; thence Southwesterly, on and along the Westerly projection of the South line of said Lot #5, a distance of 10.0 feet to the Southeast corner of Lot #39 in Rockhills First Amended Addition to the City of Fort Wayne, Indiana; thence Northwesterly, on and along the East line of said Lot #39, a distance of 150.03 feet to the Northeast corner of said Lot #39, being a point on the South right-of-way line of Main Street; thence Northeasterly, on and along said South right-of-way line, a distance of 10.0 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 19, 1989 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA)

SS:

COUNTY OF ALLEN)

I, Robert Commission, do here correct copy of a r Commission followin June 26, 1989 in the official rec	eby certify resolution ad ng a public	lopted by the hearing of and as the s	d is a full Fort Wayne said Commis ame appears	City Plan ssion held
III ciio official ro				1989
	DATED THIS_	29 DAY OF	June	1909
	Robert Hutn	er PLAN COM	MISSION	

FACT SHEET

G-89-06-19

BILL NUMBER

Division of Community Development & Planning

BRIFE TITLE

Easement Vacation Ordinance		
DETAILS	POSITIONS	RECOMMENDATIONS
Specific Location and/or Address 1st N/S easement West of VanBuren Street, between Main & 1st E/W easement South of	Sponsor	City Plan Commission
Main Street.	Area Affected	City Wide
Reason for Project		
Easement is no longer needed.		Other Areas
	Applicants/ Proponents	Applicant(s) St Joseph Medical Center City Department Other
Discussion (Including relationship to other Council actions)	Opponents	Groups or Individuals
19 June 1989 - Public Hearing Yvonne Stam stated that she would like to go on record that as a member of the board of St Joseph Hospital she would not be participating in the discussion.		Basis of Opposition
Carl Bradley, with Archonics Architects, appeared before the Commission representing St Joseph Medical Center. Mr. Bradley stated that in September of 1987 St Joseph Medical Center petitioned successfully to vacate two alleys in the block bounded by Berry, Main, Jackson and Van Buren Streets. He stated that at that time there were	Staff Recommendation	For Against Reason Against
utilities in both alleys, but since that time the overhead power lines and telephone lines in the north/south alley have been removed and the purpose for the easement no longer exists. There was no one present who wished to speak in favor of or in opposition to the	Board or Commission Recommendation	By Against No Action Taken For with revisions to conditions (See Details column for conditions
proposed vacation.	CITY COUNCIL ACTIONS (For Council use only)	Pass Other Pass (as Hold amended) Council Sub Do not pass

AILS	V.	POLICY/ PROGR	RAM IMPACT
26 June 1989 - Business Meeti	Lng	Policy or Program Change	☐ No ☐ Yes
Motion was made and seconded ordinance to the Common Counce DO PASS recommendation.	to return the		
Of the five (5) members prese in favor of the motion. Mot	ent all voted ion carried.	Operational Impact Assessment	
		(This	space for further discussion)
		1	

Project Start

Date

Projected Completion or Occupancy

Date

29 June 1989

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Date

C-29-89

Reference or Case Number

PRIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE DETITE BASEMENT VACACION
DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED
SYNOPSIS OF ORDINANCE The first North-South easement West of Van Buren Street,
between Main Street and the first East-West easement South of Main Street.
D-89-06-19
EFFECT OF PASSAGE The property is presently a dedicated utility easement.
If vacated the property will revert to the adjacent property owners.
•
EFFECT OF NON-PASSAGE Property will remain a dedicated utility easement.
MONEY INVOLVED (Direct Costs, Expenditures, Savings)
MONEY INVOLVED (DIFACE COSES, Expandicular, Davings,
(ASSIGN TO COMMITTEE (J.N.)

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON DAVID C. LONG, VICE CHAIRMAN EDMONDS, SCHMIDT, TALARICO

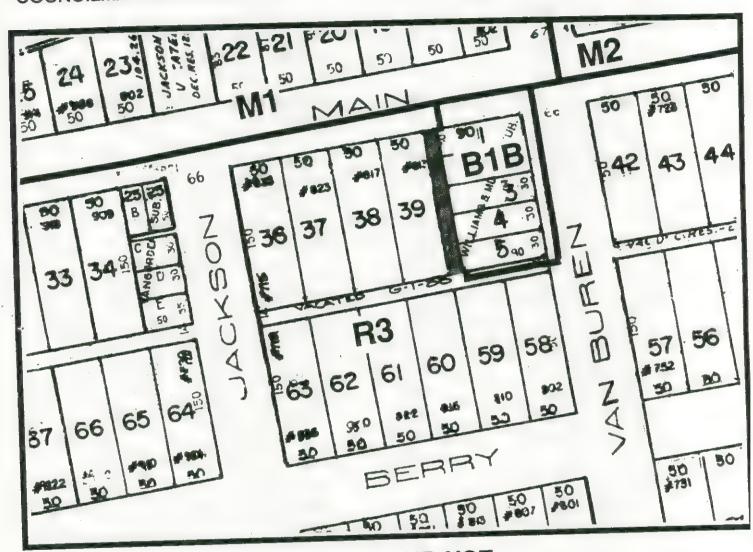
REFERRED AN (ORDINANCE) Y (RESOLUTION Plan of the City Comprehensive ("Ma	20N) amending to ster") Plan by w	he Thoroughfa
a dedicated utility easement	occi , ilan by v	acacing
IAVE HAD SAID (ORDINANCE) (RESOLX	MXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	NSIDERATION
ND BEG LEAVE TO REPORT BACK TO THE ORDINANCE) (RESOLUTION)	COMMON COUNCIL	THAT SAID
CRDINANCE) (RESIDUATION)		
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Market Committee		
Dolomoto	***	
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1 litus R Edmards		
· Lilia ~ Camaras		

Sandra E. Kennedy City Clerk

VACATION PETITION #394

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC EASEMENT MAP NO. L-6

COUNCILMANIC DISTRICT NO. 1



ZONING:

M1 LIGHT INDUSTRY
M2 GENERAL INDUSTRY
R3 RESIDENTIAL
B1B LIMITED BUSINESS"B"

LAND USE:

☐ COMMERCIAL

SCALE: 1"=100" DATE: 5-31-89



THE CITY OF FORT WAYNE

July 12, 1989

Ms. Connie Lambert Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of July 15, 1989, in both the News Sentinel and Journal Gazette.

> RE: Legal Notice for Common Council of Fort Wayne, IN

> > Bill No. G-89-06-19 Easement Vacation

Bill No. R-89-07-04 & R-89-07-05 Economic Revitalization Area"

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours, Landra E. Kennedy

City Clerk

SEK/ne ENCL: 2 NOTICE OF PUBLIC HEARING FORT WAYNE COMMON COUNCIL (BILL NO. G-89-06-19)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne will conduct a public hearing on Tuesday, July 25, 1989, at 7:00 P.M., (EST) in Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana more particulary described as follows:

The first North/South easement West of Van Buren Street, between Main Street and the first East/West easement South of Main Street, in the City of Fort Wayne, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot #1 in Williams and Murphy's Addition to the City of Fort Wayne, Indiana; thence Southeasterly, on and along the West line of Lot #1, 2, 3, 4 and 5 in said Addition, a distance of 150.03 feet to the Southwest corner of said Lot #5; thence Southwesterly, on and along the Westerly projection of the South line of said Lot #5, a distance of 10.0 feet to the Southeast corner of Lot #39 in Rockhills First Amended Addition to the City of Fort Wayne, Indiana; thence Northwesterly, on and along the East line of said Lot #39, a distance of 150.03 feet to the Northeast corner of said Lot #39, being a point on the South right-of-way line of Main Street; thence Northeasterly, on and along said South right-of-way line, a distance of 10.0 feet to the point of beginning.

All interested parties are invited to appear and be heard.

Fort Wayne Common gouncil Sandra 6. Lennedy

Sandra E. Kennedy City Clerk



THE CITY OF FORT WAYNE

July 12, 1989

Carl Bradley 701 South Clinton St. Fort Wayne, IN 46802

NOTICE OF PUBLIC HEARING ON BILL NO. G-89-06-19

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, July 25, 1989, at 7:00 P.M., (EST) in the Common Council Conference Room 128, One Main Street, City-County Bldg., Fort Wayne, Indiana on the following:

The first North/South easement West of Van Buren Street, between Main Street and the first East/West easement South of Main Street

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy

City Clerk

Fort Wayne Common Co	ouncil	_ · To:	The Journal-Gazet	rm No. 99P (Revised 19 tte
(Governmental Un	it)		P.O. Box 100	
Allen Co	ounty, Indiana		Fort Wayne, IN	
	PUE	BLISHER'S CL	AIM	
LINE COUNT				
Display Matter (Must not ex more than four solid lines of number of equivalent line	type in which the boo	, neither of which dy of the advertis	shall total ement is set)	
Head number of lines				3
Body number of lines				28
Tail number of lines				4
Total number of lines in not	ice			35
COMPUTATION OF CHARG	ES			
		25		
at .33 cents per line	olumns wide equals _	equiva	lent lines	11.55
Additional charge for notices	containing rule or ta	bular work		
(50 percent of above amount)			2.00
Charge for extra proofs of pu	iblication (\$1.00 for ea	ach proof in exces	s of two)	2.00
TOTAL AMOUNT OF CLA	IM		\$ -	13.55
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Width of single column Number of insertions Size of type begin point Pursuant to the provisions and I hereby certify that the fore claimed is legally due, after same has been paid. Date: July 15 NOTICE OF PUBLIC HEARING FORT WAYNE COMMON COUNCIL O. G-89-06-19) els hereby given that the Fort Wayne Common of the City of Fort Wayne will conduct a public on Tuesday, July 25, 1989, at 7:00 P.M., in Common Council Conference Room 128, unty Building, One Main Street, Fort Wayne, in more particularly described as follows: lirst North South easement West of Van Buren between Main Street, in the City of Fort Wayne, in more particularly described as follows: Inst North South easement West of Van Buren between Main Street, in the City of Fort Wayne, which is a second particularly described as follows:	ems and penalties of Chapter going account is just allowing all just cre	and correct, that dits, and that no dits, and that no dits. Title: SHER'S AFFID sefore me, a notar le Allred of theTh	c the amount part of the Clerk Clerk AVIT Ty public in and for said company who, being duly see Journal-Gazette	worn, says that he/ newspaper of general
Width of single column Number of insertions Size of type point Pursuant to the provisions and I hereby certify that the fore claimed is legally due, after same has been paid. Date: July 15 NOTICE OF PUBLIC HEARING FORT WAYNE COMMON COUNCIL (O. G-89-06-19) eishereby given that the Fort Wayne Will conduct a public on Tuesday, July 25, 1989, at 7:00 P.M., in Common Council Conference Room 128, in Common Council Conference Room 128, in the Street, Fort Wayne, more particularly described as follows: irst North/South easement West of Van Buren between Main Street, in the City of Fort Wayne, ounty, Indiana, more particularly described as to-wit: noing at, the Northwest corner of Lot #1 in Inding 1, the Northwest corner of Lot #1 in Inding at, the Northwest corner of Lot #1 in Inding at, the Northwest corner of Lot #1 in Inding at, the Northwest corner of Lot #1 in Inding at, the Northwest corner of Lot #1 in Inding at, the Northwest corner of Lot #1 in Inding at, the Northwest corner of Lot #1 in Inding at, the Northwest corner of Lot #1 in Inding at, the Northwest corner of Lot #1 in Inding at, the Northwest corner of Lot #1 in Inding at Indiana.	ems and penalties of Chapter egoing account is just allowing all just cre	and correct, that dits, and that no dits. SHER'S AFFID defore me, a notable Allred dits dits.	Clerk Clerk Ty public in and for said company who, being duly see Journal-Gazette the English language in	sworn, says that he/ newspaper of general the (city) (town) of
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